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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 SEAN MCFARLEN,

11 Plaintiff,

12 v.
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14 STATE OF WASHINGTON, et al.,

15 Defendants.

CASE NO. C11-5705-BHS-JRC

ORDER GRANTING
PLAINTIFF'S MOTION TO
AMEND

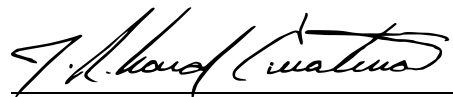
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17 This matter has been referred to the undersigned Magistrate Judge pursuant
18 to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
19 MJR 3, and MJR 4. This is a tort action that was filed in Washington State
20 Superior Court. Plaintiff named the state as a defendant, as required by the
21 Washington State Tort Claims Act. See RCW 4.92 et seq.
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23 In paragraph 5.3 of the complaint, plaintiff asserts that the defendants owe
24 him a duty under the constitution and cited to a federal case and the Civil Rights

1 Act, 42 U.S.C. §1983. Based on this paragraph, defendant removed the action to
2 federal court.

3 Plaintiff has filed a motion to amend the complaint to remove this paragraph
4 and the federal claim (ECF No. 10). He has also filed a motion to remand the
5 action to state court (ECF No. 7). The motion to amend the complaint is within the
6 authority of this Court and is GRANTED. The motion to remand is considered
7 dispositive and, therefore, will be addressed in a separate Report and
8 Recommendation for further disposition by the District Court.
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10 Dated this 3rd day of November, 2011.
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14 J. Richard Creatura
15 United States Magistrate Judge
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